SINGLE BENCH

CF 7002 (G)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W. P. (S) No. 6679 / 2006

PETITIONERS :

1. Panch Ram Sahu , S/o Shri Kartik Ram Sahu , aged about 36 Years Assistant Teacher , Govt. Primary School , Lakhali Block Bamhnidih, Distt. Janjgir Chapma (C.G.)

2. Resham Lal Chandra, S/o. Shri Gajadhar Chandra, aged about 35 Years, Assistant Teacher, Govt. Hr.Sec. School – Dataud ,Block-Jaijaipur , Distt. Janjgir Chapma (C.G.)

3. Bhuwneshwar Prasad Chandra, S/o Shri Thakur Lal, aged about 37 Years Assistant Teacher , Govt. Middle School , Thathari Block Jaijaipur , Distt. Janjgir Chapma (C.G.)

4. Harish Kumar Choubey, S/o Shri Makram Prasad Choubey, aged about 35 Years Assistant Teacher , Govt. Primary School , Mahuda (Champa) Block Baloda , Distt. Janjgir Chapma (C.G.)

5. Suresh Kumar Bareth, S/o Shri Shayam Lal, aged about 36 Years Assistant Teacher , Govt. Primary School , Pachori Block Bamhnidih , Distt. Janjgir Chapma (C.G.)

P.R. No. 6800/06
Presented on 27-11-06
dated

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27/11/06
CLERK to A. G. BILASPUR

OATH COMMISSIONER
APARNA MALVIYA
CG 2073/96
26/11/06
Bilaspur Chhattisgarh

6. Dhanesh Kumar Kashyap, S/o Shri M.R. Kashyap, aged about 38 Years Assistant Teacher , Govt. Middle School , Sharher Block Bamhnidih , Distt. Janjgir Chapma (C.G.)

7. Anil Kumar Rathore, S/o Shri Chedilal, aged about 37 Years Assistant Teacher , Govt. Middle School , Pishoud Block Baloda , Distt. Janjgir Chapma (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgrh, Through – The Secretary Department of Education D.K.S. Bhawan Raipur (C.G.)

2. Director ,Public Instruction ,Chhattisgarh Govt. Raipur

3. District Education Officer, Distt. Janjgir Champa (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC. TO DO JUSTICE IN THE MATTER.

XI-HC-78

(41)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(S) 6679 **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

07.12.2006

Shri F.S. Khare, learned counsel for the petitioners.

Smt. Anju Aahuja, learned Govt. Advocate for the State/respondent.

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No. 1452/1998 (Harish Chandra Singh and others Vs. State of M.P. and others) dated 31.1.2000

2. Learned counsel appearing for the petitioners placed on record copy of the order dated 3rd October 2006 passed by this Court in Writ Petition (S) No. 5191/2006 (Har Prasad Kurre and others Vs. State of Chhattisgarh and others) and submits that the petitioners are similarly situated, therefore, the similar order may be passed.

3. The case of the petitioners is that they were appointed as Assistant Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioners were regularized but, they were not given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal vide order dated 31.1.2000 allowed the same. The petitioners made several representations to

T.O.

(42)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(S) 6679 **सन् 200** 6

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

accord the same treatment as they were also similarly situated, but, the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31.1.2000, to which learned counsel for the respondent/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to respondent No.1, raising all their grievances and, in turn, respondent No.1 shall decide the said representations in an objective manner within a period of 30 days from the date of receipt of such representations, after considering all the points raised by the petitioners and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in Original Application No. 1452/1998.

6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

7. Certified copy as per rules.

Sd/-
Dhirendra Mishra
Judge

P.T.O.